

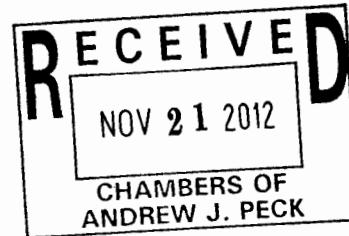


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DATE FILED: 11/26/12

November 21, 2012



By Facsimile

Hon. Andrew J. Peck,  
United States Magistrate Judge  
United States District Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: RGI Brands, LLC v. Cognac Brisset-Aurige S.A.R.L., 12 Civ. 1369 (BSJ) (AJP)

Dear Judge Peck:

This letter is written pursuant to the Court's request at the conference last Friday, November 16. Unfortunately the parties are no closer to a resolution than they were at the end of the Conference. The parties also are unable to agree with regard to alternative dispute resolution or the Court's offer of a one-day bench trial. Accordingly, although the parties will continue to try and settle the matter, we will need to proceed on the assumption that the matter will require a jury trial (to the extent that any claim, counter-claim, or defense has the right to be tried to a jury). In light of the foregoing, we would like to propose that the dates in the Pre-Trial Order be adjusted as follows:

1. Amended pleadings due November 30;
2. Responses, if any, to amended pleadings, due December 10;
3. Expert reports due December 28;
4. Discovery, including expert discovery, completed by January 11, 2013;
5. Notice of intent to file a summary judgment motion due January 18; and
6. Summary judgment motions or, if none, Proposed Pre-Trial Order due February 1.

## MEMO ENDORSED 11/26/12

1. Above schedule approved. Parties are encouraged to settle.

2. Counsel to confer on dates of hearing and to file joint stipulation.

SO ORDERED:

*Andrew J. Peck*  
United States Magistrate Judge  
Cognac Brisset-Aurige S.A.R.L.  
BY ECN

(80327878; 2)

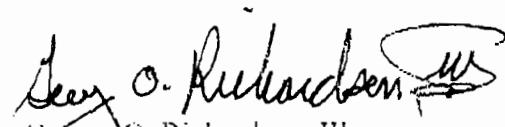
Hon. Andrew J. Peck,  
United States Magistrate Judge  
November 21, 2012  
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Again, we would like to thank the Court for its time and effort in connection with the settlement conference.

Respectfully submitted,



Ronald I. Paltrowitz  
Attorney for Plaintiff



George O. Richardson, III  
Attorney for Defendant

# ECF TRANSCRIPTION SHEET



ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
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Dated: ber 26 2 12

Total Number of Pages: 3

## **TRANSCRIPTION OF MEMO ENDORSED ORDER**

1. Above schedule approved. Further extensions are unlikely.
2. Counsel are to contact my chambers if there are any disputes, or re settlement.

Copies to: All Counsel  
Judge Barbara S. Jones